

**REMARKS**

In the Final Office Action<sup>1</sup>, the Examiner rejected claims 14-19, 21-25, and 28 under 35 U.S.C. §101; rejected claim 28 under 35 U.S.C. §112, second paragraph; rejected claims 1-8, 10-19, 21, 23-25, 28, 29, and 31-35 under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,374,290 to Scharber et al. ("*Scharber*"); and rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over *Scharber* in view of U.S. Patent No. 6,493,703 to Knight et al. ("*Knight*").

Applicant has amended claims 1, 10, 11, 14, 24, 25, 28, 29, and 33, and canceled claim 32 without prejudice or disclaimer. Claims 1-8, 10-19, 21-25, 28, 29, 31, and 33-35 remain pending.

**I. Rejection of claims 14-19, 21-25, and 28 under 35 U.S.C. §101**

The Examiner rejected claims 14-19, 21-25, and 28 under 35 U.S.C. §101 because "[c]laims 14-19 and 21-24 are directed to a system that is comprised of software *per se*" and "[c]laims 25 and 28 are directed toward an article on a machine-readable medium" (Office Action at page 2). Applicant respectfully disagrees.

However, in an effort to advance prosecution, Applicant has amended independent claim 14 to recite a "system, including memory and at least one processor," thereby positively reciting a structure. Claims 15-19 and 21-24 depend from independent claim 14. Applicant has also amended independent claim 25 to recite a "computer-readable recording medium storing a computer-executable program which, when executed by a processor, performs a method," thereby positively reciting a

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<sup>1</sup> The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

structure. Claim 28 depends from independent claim 25. Therefore, claims 14-19, 21-25, and 28 fall within the categories of patentable subject matter, and Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 14-19, 21-25, and 28 under 35 U.S.C. §101.

**II. Rejection of claim 28 under 35 U.S.C. §112, second paragraph**

Regarding the rejection of claim 28 under 35 U.S.C. § 112, second paragraph, Applicant has amended claim 28 to depend from independent claim 25. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 28 under 35 U.S.C. § 112, second paragraph.

**III. Rejection of claims 1-8, 10-19, 21, 23-25, 28, 29, and 31-35 under 35 U.S.C. §102(a)**

Applicant respectfully traverses the rejection of claims 1-3, 6-8, 10, 12-19, 21-26, 28, 29, 31, and 33-35 under 35 U.S.C. § 102(e) as anticipated by *Scharber*. In order to properly establish that *Scharber* anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claims 1 recites a method including, for example:

receiving, through the user interface, a request to send a message having a selected message type within a selected one of the collaborative conversation channels, wherein the selected message type is selected at the user interface and the message is automatically filtered according to the selected message type and according to pre-configured filter profiles corresponding to a member's role within the associated community.

(Emphasis added).

*Scharber* discloses “a method of information distribution including developing a plurality of virtual communities” (col. 2, lines 13-15). According to *Scharber*, “[c]lients in these virtual communities can self select policies, as well as their own filtering options for the articles distributed within their virtual community” (col. 3, lines 51-53). But, there is no teaching or even suggestion in *Scharber* that the clients have different roles in the community.

Even assuming that the clients may have different roles, which Applicant does not concede, the clients self-select policies and determine ratings and filtering procedures (col. 4, lines 3-5). However, client self-selection and determination does not teach or suggest “pre-configured filter profiles corresponding to a member’s role.” Therefore, *Scharber* does not teach or suggest the claimed “wherein the selected message type is selected at the user interface and the message is automatically filtered according to the selected message type and according to pre-configured filter profiles corresponding to a member’s role within the associated community,” as recited in claim 1.

For at least the above reasons, *Scharber* does not anticipate independent claim 1. Claims 2, 3, 6-8, 10, 12, and 13 depend from claim 1 and are, thus, also allowable over *Scharber* for at least the same reasons indicated above for claim 1. Independent claims 14, 25, and 29, while of a different scope, are allowable over *Scharber* for reasons similar to that discussed above for claim 1. Claims 15-19, 21-24,

28, 31, and 33-35 are also allowable at least due to their dependence from independent claims 14, 25, or 29.

**IV. Rejection of claim 22 under 35 U.S.C. § 103(a)**

Regarding the rejection of claim 22, which depends from independent claim 14, the Examiner relies on *Knight* for allegedly disclosing "a news reader existed that assigned icons for each news article" (Office Action at page 7). Even assuming this is correct, which Applicant does not concede, *Knight* fails to cure the deficiencies of *Scharber* discussed above. Therefore, claim 22 is also allowable over *Scharber* and *Knight* for at least the same reasons as claim 14.

**CONCLUSION**

In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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